

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor: Thomas R. Herren) G.U.A.
Serial No.: 10/600,806) 3637
Title: Multipurpose Construction)
Assembly and Method)
Filed: 06/19/2003)
Examiner: A. Phi Dieu Tran)

REPLY TO EXAMINER'S RESPONSE TO AMENDMENT
Election / Restriction

Ass't Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This reply is in response to the January 23, 2006 Response to Applicant's amendment of the above-referenced patent application. For purposes of examination and to move the application forward, Applicant elects Claims 1 and 2 as those that read on Figures 1 and 2 as required by the restriction requirement.

However, Applicant again renews its objection to the Examiner's request for a restriction requirement predicated upon the figures and not the claims and believes this to be a solid ground for appeal should Applicant so choose. As stated in Applicant's prior response, Section 121 of the Patent Act provides that "if two or more independent and distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the

1 inventions." 35 U.S.C. 121. The Examiner's initial rejection and the present response is still not
2 predicated upon the claims of the pending application but on the figures.

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Respectfully Submitted,

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6 February 16, 2006

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8 PLEASE RESPOND TO:

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